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this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggressions, or hostility of any kind, by the one republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

Let us hope that in committing themselves, as peculiarly befits neighboring and friendly states, to arbitration as a principle, the people of the United States and Mexico have adopted a policy which they will liberally extend to other nations.

The United States and Haiti have had three arbitrations. By a protocol signed May 24, 1884, they referred to the Hon. William Strong, formerly one of the justices of the Supreme Court of the United States, two claims against Haiti, known as those of Pelletier and Lazare, involving questions of administrative and judicial procedure. The awards, dated June 13, 1885, were adverse to Haiti. But the United States has thus far declined to enforce them on the ground that in the case of Lazare the award was shown by alleged after discovered evidence, which the arbitrator himself declared to be material, to have been unjust; and that, in the case of Pelletier, the arbitrator erroneously conceived and declared himself to be compelled by the terms of the protocol to award, on a single question of strict law, compensation upon a claim which he obviously regarded as immoral and unjust.

On March 7, 1885, the American minister at Port au Prince and the Haitian minister of foreign affairs agreed upon a mixed commission of two Americans and two Haitians to adjust the claims of citizens of the United States growing out of civil disturbances in the island. The labors of the commission were completed on the 24th of the following month.

While these claims were pending, the imprisonment of C. A. Van Bokkelen, a citizen of the United States, at Port au Prince for debt, and the decision by the Haitian courts that because he was an alien he could not obtain his liberty by an assignment for the benefit of his creditors, occasioned a dispute both as to the treaty guaranty of full legal rights to citizens of the one country in the jurisdiction of the other, and as to the finality of the denial by the Haitian tribunals of a claim of right made in virtue of an international obligation. Under a protocol signed May 22, 1888, Mr. Alexander Porter Morse, of the city of Washington, who was named as arbitrator, rendered December 4, 1888, an award adverse to Haiti and allowed the claimant suitable damages.

Only once have members of our arbitral boards been charged with fraud. But the conduct of the claims commission at Caracas, under the convention of April 25, 1866, was so seriously impeached that the United States and Venezuela, by a treaty concluded December 5, 1885, agreed to have the claims reheard by a new commission. This commission, composed of an American, a Venezuelan, and a third commissioner chosen by the other two, who was also an American, sat at Washington from September 3, 1889, to September 2, 1890. Its proceedings were characterized by a conscientious and impartial discharge of duty.

With Colombia there have been three mixed commissions, each composed of two commissioners and an umpire. The first and second were organized under conventions concluded September 10, 1857, and February 10, 1864, and before both of them came important cases touching our rights on the Isthmus of Panama under the treaty with New Granada of 1846. The third commission, appointed under a diplomatic agreement of August 17, 1874, awarded the sum of \$33,401 for the capture of the American steamer *Montijo* by insurgents in the State of Panama. For the adjustment of miscellaneous claims, we have also had two similarly constituted commissions with Peru under conventions of January 12, 1863, and December 4, 1868; one with Costa Rica, under the treaty of July 2, 1860, and one with Ecuador, under the treaty of November 25, 1862. Besides joining with Peru in mixed commissions, the United States by a convention concluded December 20, 1862, agreed to refer two claims against that Government for the seizure and confiscation of the vessels *Georgiana* and *Lizzie Thompson* to the King of the Belgians. His Majesty, however, declined the trust, and on July 9, 1864, Mr. Seward, then Secretary of State, informed the Peruvian minister in Washington that the United States would not pursue the subject further.

TO BE CONTINUED.

AMONG THE MAGAZINES.

THE CENTURY.

The Anachronism of War.*

The traveller on the Riviera who rambles over the picturesque promontory of Monaco—that puny principality of six square miles, with a military band of 350 musicians and a standing army of 90 men—is struck with the ludicrousness of finding on its ramparts a lot of Spanish cannon of a past age, bearing the inscription, *Ultima ratio regum*—"The last argument of kings." To a man of reflection the sentiment seems as antiquated as the brass on which it is engraved. Not that war is a practical impossibility: even as we write the world seems to be born anew with wars or rumors of wars. The impossibility lies rather in the revolt of the mind against the retrogression in civilization which is implied by war, when there is at hand so potent, so tried, and so honorable a substitute as arbitration. With this short cut to justice in mind, it is inconceivable to a civilized man

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that the laborious achievements of generations of peace should be given to the torch in one mad hour through the revival of the barbarous instincts of fighting.

That public opinion in England and America has quietly made extraordinary progress toward this humane ideal is indicated by the force of the shock with which the wise and good of both countries have recoiled from the awful spectacle, the unforgivable wickedness, of the two great English-speaking nations giving up their position side by side in the vanguard of civilization to embroil themselves over any questions, much less over a complicated question of boundary dispute in South America. The demonstration of this conservative attitude among the sedate elements on both sides of the water affords a new aspect of kinship beyond sea which is more than an offset to the wild, flippant and provincial talk about war as though it were a pastime, of which Americans have recently had cause to be ashamed. The new *entente cordiale* will certainly be the beginning of better things.

That there should have been any difficulty sufficient to turn men's thoughts to war is a grave reflection upon the diplomacy of the two governments; for one of the chief objects of diplomacy has come to be, more and more, the averting of war. Moreover, to be effective, either as between the contending parties, or as before the larger judgment of the world's opinion, such diplomacy must be conducted on the highest plane of manners. However individuals may contend, nations must quarrel like gentlemen. The principle of *noblesse oblige* is more effective than that of immediate advantage. The main object should be to show outward respect for even the wrong contention of our opponent, and to refuse to admit that he would be willing to do less than justice. A breach can be made at any time, and until the ultimate issues of facts have been determined and pleaded to, as the lawyers would say, every avenue of escape from an armed conflict should be kept open. In such precautions the documents in the Venezuelan affair were woefully lacking. The lamentable strain that has been put upon the political, financial and commercial relations of the two countries might easily have been avoided. What was needed was a large-minded reliance on the good faith and the sense of justice of the two great law-making and law-loving peoples of the world.

Upon such elements, at least, reliance must be placed to pluck the flower safely out of the nettle danger. *The immediate duty before the conservative forces of England and America is to organize for the establishment of a high-class continuous board of international arbitration.* In this matter the lead may well be taken by representatives of that religion which is "first pure then peaceable." With the aid of the great educational institutions and of the vast commercial interests of the two lands, and in the present revived attention to the subject it ought to be an easy matter to get Parliament's assent to the opinion already formally expressed by the Congress of the United States in favor of the principle of arbitration. What is needed is a permanent system, in place of the piece-meal and haphazard examples to which we are accustomed, admirable as their results have already proved. Once established between England and America, such a system would gradually spread among the nations of Europe, the more rapidly because of the general conviction that another continental war would show a climax of horrors. Sooner or later arbitration would be followed by disarmament, which is the logical sequence of no other premise, and yet will be

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the turning-point of the continent toward true democracy and progress. However near or far the ultimate acceptance of the idea, it would, as between us and our English cousins, take the sting out of the viper of war, to which, like the husbandman in the fable, nations too carelessly give the warmth and nourishment of the hearthstone. In the knowledge that disputes would be automatically settled by an impartial tribunal, it would no longer be possible to play a boisterous tune upon a people by pulling out the stop of "patriotism." And it is not too much to hope that in the spread of this idea the whole world would at last realize the great laureate's noble vision of "The Parliament of man, the Federation of the world."

Herein lies a great opportunity for the English-speaking race to lead mankind to the glorious destiny of peace. It is a mission to kindle the imagination and the heart.

THE NORTH AMERICAN REVIEW.

But among a business folk like our own the martial effects of war are very temporary, as may be seen by the issue of our civil war. Immediately on the disbandment, the soldiers with joyful alacrity returned to their peaceful vocations. They are fond of reviewing the memories of their campaigns, but a set of men less interested in the military theory it would be hard to find. When we hear a man shouting for conflict, it is tolerably certain that he lacks the experience or the constructive imagination to tell him the nature of war. Thirty years after the greatest struggle of modern times, the people who waged it are if anything, less military in spirit than they were before. Therefore, those of our countrymen who are the enemies of peace must not be content with an occasional turn of arms,—they must ask that the gates of the temple where they worship shall

be always kept open. Their project, for its successful issue, demands that we abandon the gains, both moral and material, which are the product of the theory and situation of our nation, and turn back to the state of affairs in the old world and in other times. * * *

As for the curious and menacing uprisings of the war motive in a nation like ours, it seems most reasonable to class them with others of the resurgences of the primal beasts and beastly men on which the students and managers of society have to reckon. We all know that many civilized men, civilized for the quarter part of their lives, occasionally fall back into the state of the savage in his orgies; the old sublated demons of the lower life possess them for a time, it may be for their lives. It will be a help to our "jingo" people if we can convince them of the fact that when they have accessions of this fury, when they dream of battlefields and of the glory of the flag that floats over them, they are not moved by true patriotism, but are possessed by one of the hideous lusts which keep us ever in fear of the depths from which the better part of our kind has so marvelously won its way. It will be yet more helpful if our people come to see that when a legislator begins the war dance he therefore proves himself seriously unfit for the business for which he was chosen, in that he does not comprehend the nature of civilization, or know the blessings which fortune has given our state by exempting it from the curse which afflicts the nations beyond the sea.—*Professor N. S. Shuler.*

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